

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/2/2026 for Study on Waste from Ships

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1. Introduction

The European Maritime Safety Agency (EMSA) is regulated by Regulation (EU) 2025/2434 of the European Parliament and of the Council of 26 November 2025 on the European Maritime Safety Agency¹ for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency shall assist the Commission and the Member States in the implementation of Directive (EU) 2019/883, on port reception facilities for the delivery of waste from ships², including the development, maintenance and update of the inspection database provided for in Article 14 of that Directive (the THETIS-EU database).

Environmental sustainability, pollution prevention and the circular economy are core elements of EMSA's contribution to the European Green Deal and are further reinforced in the Agency's expanded mandate under Regulation (EU) 2025/2434. In this context, it is essential to strengthen EMSA's technical support to the European Commission and to EU Member States in the field of waste from ships management.

This support includes:

- ensuring the effective implementation of Directive (EU) 2019/883 on port reception facilities (PRF Directive),
- advancing digitalisation and improving data quality, including of the THETIS-EU database PRF Module, which stores advance waste notifications, waste delivery receipts and outcomes of inspections to ships on waste management,
- enhancing monitoring capabilities related to waste from ships and marine pollution, and
- promoting knowledge exchange and cooperation to foster harmonised, sustainable and efficient waste management practices in international shipping.

EMSA is applying the environmental management systems ISO 14001:2015 and EMAS (Environmental Management and Audit Scheme of the EU), aiming to continuously improve its environmental performance. EMSA complies with all applicable legal requirements relating to the environment and endeavours to ensure that suppliers comply with its environmental policy³ within the remit of the activities carried out for the contract. EMSA invites tenderers to consult the document and consider it when preparing tenders.

2. Objective, scope and description of the contract

2.1 Objective of the Contract

The main aim of this contract is to conduct a study that revises and enhances the quantitative and qualitative understanding of waste pathways on board ships, assessing volumes generated and delivered at ports, and reviewing practices and technologies used to monitor and manage ship-generated waste.

One of the drivers for this study is the increasing demand from the shipping sector and Member States for more comprehensive information and guidance on waste streams linked to emerging and alternative marine fuels (e.g., biofuels), together with a clearer understanding of cargo residues and air pollution related waste (MARPOL Annex VI), like exhaust gas cleaning residues, including its volumes, characteristics, and management practices.

¹ Regulation (EU) 2025/2434 of the European Parliament and of the Council of 26 November 2025 on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 (Text with EEA relevance), OJ L, 2025/2434, 29.12.2025

² <https://eur-lex.europa.eu/eli/dir/2019/883/oj/eng>

³ Which can be found at <http://emsa.europa.eu/about/environmental.html>

Cargo residues and MARPOL Annex VI related waste streams have been introduced by the PRF Directive (EU) 2019/883. They were not considered in the previous Directive 2000/59/EC (old PRF Directive), that was repealed. The PRF Directive also introduced the obligation to report electronically the Waste Delivery Receipts (WRs) information to the SafeSeaNet system, which further relays it into the EMSA THETIS-EU PRF database. This set the basis for the collection of a high amount of waste data, and following the entry into operation of the Directive, Member States are increasingly reporting waste receipts.

Specific objectives of this contract include:

- enhancing technical knowledge in relation to waste streams newly introduced by the PRF Directive and from alternative fuels for shipping,
- supporting Member States' inspectors in enforcing the PRF Directive in assessing whether quantities of generated and disposed waste from ships are plausible, and in the range expected to be delivered at a port call,
- assessing the quality of the data in the THETIS-EU PRF database,
- ensuring the provision of adequate port reception facilities,
- providing best practices for waste reduction, management on board and delivery at ports, and
- estimating the gap between Annex V waste generated and delivered at ports, to evaluate the contribution of marine litter stemming from shipping.

2.2 Scope and overall description of the contract

The study shall take into account previous relevant work, including but not limited to:

- *The Management of Ship-Generated Waste On-board Ships* (EMSA, 2017);⁴
- *Identifying criteria for determining whether a ship produces reduced quantities of waste and manages it in a sustainable and environmentally sound manner* (EC, 2021);⁵

Extensive use shall be made of the existing waste data reported by ships and waste contractors through the Member States' single windows (like electronic Waste Delivery Receipts and Advance Waste Notifications) and stored in the THETIS-EU PRF database. Information shall be validated through the inspection of on-board vessel relevant documentation and in-situ observations during visits to vessels.

The study shall provide:

Task 1 – Legislative and Policy Review

A review of the changes in the relevant international, European, regional and national legislation, policies, standards and guidelines from 2016 onwards concerning maritime waste generation and management. This shall include, for example, recent national/regional environmental rules on scrubber discharges, sewage and grey water.

Task 2 – Inventory of Technologies

A comprehensive and detailed inventory of existing, emerging and prototype technologies that reduce waste generation, improve segregation and promote recycling and reuse. All waste types listed in Annex 2 of the PRF Directive (except Passively Fished Waste) and new waste streams arising from alternative fuels shall be addressed.

⁴ <https://emsa.europa.eu/sustainable-ports/port-reception-facilities/download/4557/4511/23.html>

⁵ <https://emsa.europa.eu/sustainable-ports/port-reception-facilities/download/7004/4511/23.html>

For each technology, the study shall describe:

- working principles,
- benefits for ship operations and environmental protection,
- maturity/readiness levels and availability, and
- impacts on ship operations and on waste quantities generated and delivered at ports.

Task 3 – Revision of Onboard Waste Pathways and Management Practices

A comprehensive and detailed revision of onboard waste pathways and management practices, for the range of ships calling at EU ports, identifying best practices where appropriate.

This shall address all waste types listed in Annex 2 of the PRF Directive (adopting its terminology), except Passively Fished Waste, revising the pathways described in '*The Management of Ship-Generated Waste On-board Ships*' study, where needed, and extending the analysis to the following waste types:

- Annex VI (air-pollution-related waste) waste, such as exhaust gas cleaning residues,
- cargo residues, such as residues from Annex II (Noxious Liquid Substances), solid and liquid, and Oily tank washings, and
- new waste streams arising from the use of alternative fuels.

This task shall take into account the requirements laid down in the PRF Directive and the link to the Directive 2008/98/EC on waste⁶ (the Waste Directive) and the compliance with the Implementing Regulation (EU) 2022/91, defining the criteria for determining that a ship produces reduced quantities of waste and manages its waste in a sustainable and environmentally sound manner⁷.

A comprehensive description of each new waste stream stemming from the use of alternative fuels, as well as the impact on the generation of typical waste streams (like pilot fuels for the LNG case) shall be provided, together with an analysis of the existing and potential future pathways for their handling, treatment and disposal. Reference is made to the several studies developed recently by EMSA on alternative fuels:

[Sustainable Shipping - Alternative Sources of Power - EMSA - European Maritime Safety Agency](#)

Task 4 – Waste Quantification

A quantitative analysis on the average and maximum quantities of waste expected to be generated and delivered at a port call, for each waste type listed in Annex 2 of the PRF Directive (except PFW), per day of voyage.

If there are treatment processes after the generation of waste (such as evaporation or incineration) that impact the final amount of waste on board at the time of arrival to a port, these shall also be taken into consideration.

In the analysis, the contractor shall identify representative ship groups (with the same waste generation profile) using discriminating features, additional to the vessel type classification, such as the fuel type used, the availability of a closed or open loop scrubber, the tonnage of a vessel or the number of passengers, among others.

⁶ <https://eur-lex.europa.eu/eli/dir/2008/98/oj/eng>

⁷ https://eur-lex.europa.eu/eli/reg_impl/2022/91/oj/eng

This information will help build the knowledge basis for the future development of an automatic check in THETIS-EU of the reliability of the reported waste information in the Advance Waste Notification (AWN) and Waste Delivery Receipts (WR), in particular the fields below:

- *Waste to be delivered* (in the AWN);
- *Estimated amount of waste to be generated* (in the AWN); and,
- *Quantity* (in the WR).

For the statistical analysis, EMSA will give access to the waste information contained in THETIS-EU PRF database and, whenever relevant to enhance the analysis, also to other ship details and characteristics of interest available in other in-house databases (like availability and type of scrubber).

The contractor shall take into account that the THETIS-EU PRF database may contain incomplete, inconsistent, or low-quality data, and shall apply appropriate data-cleaning and validation processes prior to conducting any analysis.

The following table is an example of a possible template to be used in the study in Task 4 (to be adapted/extended by the contractor).

For each Waste Type:

Ship group	Generation rate	Average and Maximum amount of waste generated during a voyage	Average and Maximum amount of waste remaining in the vessel after treatments/post processing on board	Main variables impacting these values (drivers, technologies, on-board treatments)	Average and Maximum amount of waste delivered at PRF in a single a port call
Oil tanker Large (> x GT)					
Oil tanker Small (< x GT)					
Ferry					
Cruise Ship					
Chemical tanker					
Fishing vessel					
General Cargo with incinerator					
General Cargo without incinerator					
.../..					

Task 5 – Evaluation of the contribution of marine litter stemming from shipping

The objective of this task is to develop and apply an analytical framework to estimate the potential gap between garbage (MARPOL Annex V) generated on board ships and garbage delivered to port reception facilities, in order to support an evidence-based assessment of the contribution of maritime transport to marine litter.

While land-based sources are recognised as the dominant origin of marine litter, sea-based activities, including commercial and recreational shipping, also contribute. However, robust and traceable estimates of this contribution remain limited. This task aims to address this knowledge gap by linking waste generation,

waste delivery and observed marine litter indicators in a consistent and transparent manner (see EMSA Environmental Reports EMTER 2021⁸ and EMTER 2025⁹, and references therein).

The task shall include:

- Definition of methodological assumptions and parameters, including data sources, scope and key uncertainties,
- Development of a structured analytical framework linking potential garbage generation on board ships with reported garbage delivery to port reception facilities,
- Application of the framework to derive indicative estimates of potential garbage gaps at an appropriate level of aggregation,
- Documentation of findings and limitations, including uncertainties and data constraints.

As an output, the task shall deliver a documented analytical framework suitable for reuse and further refinement; indicative estimates of potential gaps associated with maritime transport; and a clear explanation of how these estimates can be used to support assessments of the maritime transport sector's contribution to marine litter.

The task shall prioritise transparency and reproducibility. The objective is not to produce definitive or exhaustive quantities, but to establish a credible and structured approach for assessing the actual impact of the maritime transport sector to marine litter pressures.

2.3 Methodologies

The methodologies adopted to fulfil the tasks of the contract shall include questionnaires, desk reviews, interviews with relevant stakeholders, statistical analysis of the waste data available in EMSA databases (particularly the THETIS-EU PRF database) and in-situ visits to ships.

The methodology shall include:

- the identification of the ship groups with same waste profile,
- in-situ visits to vessels representing the identified ship groups,
- statistical analysis of the data in EMSA databases,
- validation of the actual quantities of waste generated and remaining after treatments/post processing, and the actual waste quantities delivered to PRFs in ports.
- analysis/review of ships documentation (record books, certificates, plans and notifications), questionnaires/interviews with stakeholders: Member States, local authorities, inspectors, agents, masters, chief engineers, crew, port authorities and waste contractors, as appropriate.

Tenderers shall propose the most efficient methodology for each task and explain the approaches to data collection, analysis and stakeholder consultation, as well as indicate **the minimum number of visits to vessels that will be completed. These will be subsequently allocated** after the ship groups have been identified during the implementation of the contract implementation, considering statistical relevance and the objectives of this study. The description, which will be evaluated under Quality Criterion 1 under Award, shall also address the methodology to achieve the objectives of the study when considering alternative fuels and associated waste streams

⁸ <http://emsa.europa.eu/newsroom/latest-news/download/6733/4513/23.html>

⁹ <https://www.emsa.europa.eu/emter-2025/full-report/download/8075/5405/23.html>

Results shall be accompanied by clear descriptions of the methodologies used. The study shall:

- rely on recognised analytical techniques,
- ensure findings are supported by evidence and rigorous analysis,
- prioritise quantitative analysis, with clearly justified qualitative approaches.

The final report shall be clear, well-structured and organised by task. It shall be in digital format only, in an editable format, and written in UK English.

EMSA template (EMSA “Study/Report”) will be the mandatory format for the delivery of the study

2.4 Confidentiality of data provided by EMSA

All data provided by EMSA under this Service Contract shall be used by the contractor exclusively for the purpose of the implementation of this contract and must not be shared with or (re)distributed to any third party, unless specifically authorised by EMSA in writing. This obligation to maintain confidentiality about all data provided by EMSA shall continue to apply beyond the termination of the Service Contract. Please also refer to Article II.8 of the draft Service Contract.

2.5 Quality Assurance

For the study, it is important for the contractor to show the quality management principles used for the drafting, review and finalisation of these studies. The tenderer must therefore provide information on its quality management system, and any certification available, which will be taken into account for evaluation of the quality of the tender (Quality criterion 2).

3. Contract management responsible body

EMSA Unit 1.1 in charge of Sustainability - will be responsible for managing the contract.

4. Project Planning

4.1 Project Planning and meetings

The estimated date for signature of the Contract is Q2 2026.

The following meetings (virtual/conference calls) are foreseen (see also point 5 below for timings):

- Kick off meeting (remotely): to initiate the project and set the expectations to ensure the scope of work is clear and for the contractor to present the updated project plan, Gantt chart. The team that will be working on the study shall be present at the meeting.
- 1st Intermediate Meeting (remotely): To review the content and comments on the 1st intermediate report.
- 2nd Intermediate Meeting (remotely): To review the content and comments on the 2nd intermediate report.
- Regular management meetings (remotely): occurring every month after the signature of the Contract to check on ongoing work and any questions which may have arisen from the Contractor.
- Final meeting (presential): to present the final report and close the contract

- Additional ad hoc meetings (remotely): EMSA may call for additional meetings if this should be deemed necessary for the better execution of the work.

Only the final meeting and presentation at relevant fora, like for example the Expert Group from Waste from Ships, will be presential at EMSA premises or in Brussels. No separate expenses will be reimbursed to the contractor's representative for attending this meeting. Any such costs shall all be included in the price quoted for the performance of the study.

The contractor and EMSA shall agree on the list of points to be discussed during the meetings in advance.

The contractor will draw up minutes (including topics discussed and action items or decisions taken) or at least a summary of the list of actions that have come out of the meetings within 2 working days after the meeting. These minutes or list of actions will be agreed (by email) and the contractor shall have 2 working days if needed to revise the minutes. This is mainly for the kick-off meeting, intermediate meetings or any final meetings on a study. The regular or ad hoc meetings may just be a short summary email of the conversations that took place.

4.2 Deliverables

The contractor shall adhere to EMSA standards and requirements in terms of project delivery, working procedures and services detailed in the Tender Specifications and its appendixes and in the Contract. The language of working and of all deliverables must be English. All deliverables must have an executive summary¹⁰ of maximum 6 pages.

Following signature of the Contract, **a project plan (D1) and a Gantt chart (D2)** shall be delivered at the kick-off meeting, which must include a description of the work at hand and the proposed team (as per point 15.5.1.b of these Tender Specifications).

The contractor shall produce two intermediate (D3 and D4) and a final report (D5) according to the timing indicated in point 5. The first intermediate report shall be submitted to EMSA within 2 months after the signature of the contract and the final report within 6 months. Each report shall be approved by EMSA and, when necessary, additional information or modifications may be requested. After review of the final report, if EMSA has any comments or remarks, these shall be addressed within 2 weeks maximum. The report shall include a full bibliography and reference list.

Deliverables will be provided by the contractor according to the brief specifications in these Tender Specifications (Section 2 of these tender specifications) as well as the scope of work indicated in the Specific Contracts.

The contractor must ensure that activities progress properly, are reported upon regularly and for that purpose designate a person responsible for permanent and regular contact with EMSA.

5. Timetable

The estimated date for signature of the contract is (T0) June 2026.

The work under this assignment is expected to start immediately after the signature and all tasks, deliverables or reports must be finalised after 6 months from the entry into force of the contract.

¹⁰ An executive summary is a succinct overview of the whole study, which is published in isolation from the main text and should therefore stand on its own and be understandable without reference to the study itself. It should report the latter's essential facts. Its purpose is to act as a reference tool, enabling the reader to decide whether or not to read the full text.

Meeting (M) or Deliverable (D) or Task (T)	Description	Expected Delivery
-	<u>Signature of the Contract</u>	T0
M1 D1, D2	<u>Kick-Off Meeting</u> Project Plan and the Gantt Chart	T0 + 1-2 weeks
D3	1st interim report	T0 + 8 weeks
M2	<u>1st Intermediate Meeting</u>	T0 + 10 weeks
D4	2nd interim report <i>Trigger for invoice for interim payment upon acceptance by EMSA</i>	T0+16 weeks
M3	<u>2nd Intermediate Meeting</u>	T0 + 19 weeks
D5	Final report <i>Trigger for invoice for balance payment upon acceptance by EMSA</i>	T0+ 23 weeks
	Final meeting to close the contract	T0+ 26 weeks

6. Value of the Contract

The maximum budget available for this contract is EUR 120,000.00 excluding VAT.

Non-compliance with the previous paragraph will lead to rejection of the bid.

7. Terms of payment

Payments will be made in accordance with the provisions of the draft **Service Contract** available in the Procurement Section under the call to tender **EMSA/NEG/2/2026** on EMSA's website (<https://emsa.europa.eu/procurement.html>).

The successful tenderer(s) shall take the appropriate measures to be compliant with the e-invoicing conditions as set out in the draft contract.

8. Terms of contract

When drawing up a tender, the tenderer shall bear in mind the terms of the draft Service Contract.

EMSA may, before the contract is signed, cancel the award procedure without the tenderers being entitled to claim any compensation.

9. Financial guarantees

Not applicable.

10. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State ("intra-group posting" as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State ("hiring out of workers" as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group ("intra-corporate transfer" as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer).
- d) Use of staff without employment contract ("self-employed persons working for the contractor"), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders.
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as "personnel" of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the *List of identified subcontractors* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>~~http://www.emsa.europa.eu/~~), tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as identified subcontractors):

- subcontractors on whose capacities the tenderer relies on to fulfil the selection criteria¹¹;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 20 %.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the attached model *Commitment letter by identified subcontractor* available on the Procurement Section of EMSA's website

¹¹ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

(<https://emsa.europa.eu/procurement.html><http://www.emsa.europa.eu/>), and signed by its authorised representative.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, has access to procurement and is not in an exclusion situation,
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

10.1 Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the attached model *Commitment letter by an entity on whose capacities is being relied* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>), signed by the authorised representative of such an entity.

The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

10.2 Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed above (see list under section 10) and will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

The tenderer must provide required evidence for the exclusion on its own behalf, on behalf of any subcontractors identified in the *List of identified subcontractors*, and on behalf of any other entities (not subcontractors) on whose capacities is being relied on.

The tenderer must provide required evidence for selection criteria on its own behalf and on behalf of any subcontractors on whose capacities the tenderer relies on to fulfil the selection criteria as identified in the *List of identified subcontractors*, and on behalf of any other entities (not subcontractors) on whose capacities is being relied on.

The evidence on exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors / any other entities (not subcontractors) as a whole fulfil the criteria. However, the selection criteria may apply individually where it is relevant in view of their nature, if specified so in selection criteria relevant section of these Tender Specifications.

Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

11. Joint Offer

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the *Agreement Power of attorney (joint tender)* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html><http://www.emsa.europa.eu/>).

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following case(s):

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
- the new entity is not subject to restrictive measures, has access to procurement and is not in an exclusion situation,
- all the tasks assigned to the former entity are taken over by the new entity member of the group,
- the group meets the selection criteria,
- the change must not make the tender non-compliant with the procurement documents,
- the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,

- the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.

Each member of the group must provide the required evidence for the exclusion and selection criteria. The evidence on exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided by each member of the group will be checked to ensure that the group as a whole fulfils the criteria. However, the selection criteria may apply individually where it is relevant in view of their nature, if specified so in selection criteria relevant section of these Tender Specifications.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the *Agreement Power of attorney (joint tender)* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

12. Requirements as to the tender

Tenders can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, tenders should preferably be submitted in English and shall in particular include an English version of the documents requested under sections 14.5 and 16 of the present Tender Specifications.

The tenderer must comply with the minimum requirements provided for in these Tender Specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.¹²

The tenderer shall complete the Tenderer's checklist.

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners (Join Offers) it shall indicate it in its offer by completing the relevant forms *List of identified subcontractors / Agreement/Power of attorney (joint tender)*. These documents are available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

The tender must be presented as follows and must include:

- a) A signed **cover letter** indicating the name and position of the person authorised to sign the [contract] [purchase order], including up-to-date proof of that authorisation, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure. The cover letter shall be accompanied by the **Authorised Signatory Form** duly completed and signed. This document is available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).
- b) **The Legal Entities and Bank Accounts Form**¹³, completed, stamped and signed by the representative of the tenderer and of each member of the group in case of joint tender, along with the requested accompanying documentation, including up-to-date proof of that authorisation. This document is available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

¹² Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

¹³ In case of join tender, if the group is composed of non-Portugues companies, only completion of the information regarding the legal entity is mandatory.

Tenderers are exempt from submitting the Legal Entities and Bank Accounts Form requested if such a form has already previously been completed and sent to EMSA. In this case the tenderer shall simply indicate on the cover letter the bank account number to be used for any payment in case of award.

- c) All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the sections 10, 11 11 and 14.2 of these Tender Specifications.
- d) All the information and documents required by EMSA for the appraisal of tenderers on the basis of the **Legal and Regulatory capacity** (part of the selection criteria) set out under section 14.3 of these Tender Specifications, as applicable.
- e) All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the **Economic and Financial Capacity** (part of the selection criteria) set out under section 14.4 of these Tender Specifications, as applicable.
- f) All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the **Technical and Professional capacity** (part of the selection criteria) set out under section 14.5 of these Tender Specifications, as applicable.
- g) All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under section 1616 of these Tender Specifications;
- h) Setting out prices in accordance with section 13 of these Tender Specifications.

13. Price

Price must be quoted for a Study on Waste from Ships and shall be all inclusive.

- a) Prices must be fixed amounts and non-revisable and remain valid for the duration of the contract.
- b) Prices must be quoted in euro.
- c) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation (EC) No 1406/2002. These duties, taxes and other charges can therefore not enter into the calculation included in the tender. The amount of VAT must be shown separately.

14. Information concerning the personal situation of the tenderer and information and formalities necessary for the evaluation of the minimum economic, financial, technical and professional capacity required

14.1 Legal position – means of proof required

When submitting their tender, tenderers and each of the group in case joint tender are requested to complete and enclose the Legal Entities and Bank Accounts Form¹⁴ available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

¹⁴ In case of join tender, if the group is composed of non-Portugues companies, only completion of the information regarding the legal entity is mandatory.

14.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, the tenderers, each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on must not be in any of the exclusion situations listed in the Declaration of Honour.

For this purpose, the Declaration of Honour available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>) shall be completed and signed.

14.3 Legal and regulatory capacity – Selection criteria

14.3.1 Standards / Prerequisites

- A. The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.
- B. The tenderer, each member of the group in case of joint tender, any subcontractors (including those which do not need to be identified), and any other entities (that are not subcontractors) on whose capacity the tenderer relies on must ensure that are not subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)¹⁵, consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

14.3.2 Evidence

Duly completed and signed Declaration of Honour available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

14.4 Economic and financial capacity – Selection criteria

14.4.1 Standards / Prerequisites

The tenderer must be in stable financial position and must have the economic and financial capacity to perform the contract.

14.4.2 Evidence

Duly completed and signed Simplified Financial Statement available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>), and the following evidence for the period mentioned above depending on the legal form:

- For Profit Organisations (whose primary goal is making a profit): copy of the profit & loss account and balance sheet for which accounts have been closed.
- For non-Profit Organisations (formed for the purpose of serving a public or mutual benefit other than the pursuit or accumulation of profits for owners or investors): copy of the statement of financial activities and statement of the financial position for which accounts have been closed.

¹⁵ Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

- For Public sector entities (including public universities and international organizations), which according to the law of the country in which they are established are NOT required to publish balance sheets: extracts from their last two budgets (including the current one) as evidence of their average budget. Complete line 14 (Revenue) of the Simplified Financial Statement only (version for non-profit organisations).
- For Individuals: provide extracts from any available documents (e.g. income tax returns) as evidence on their average income. Complete line 14 (Revenue) of the Simplified Financial Statement only (version for non-profit organisations).

Tenderers are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and the provided documents are up to date. In this case the tenderer shall simply indicate on the cover letter the procurement procedure where the evidence has been provided.

If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

A. Technical and Professional Capacity of the Tenderer

1. The tenderer shall have access to the operations of ships, and to port authorities/waste contractors to have access to information.
2. The tenderer shall have at least **three (3) years of experience within the last ten (10) years in each** of the following areas:
 - a. Environmental and maritime regulatory expertise
Experience with international, EU and regional environmental legislation applicable to waste from ships and pollution prevention, including MARPOL Annexes I–VI, Directive (EU) 2019/883, the Waste Framework Directive (2008/98/EC), and related standards and guidelines.
 - b. Shipboard waste practices and reduction technologies
Experience with waste pathways on board ships and knowledge of technologies and operational methods used to reduce, treat and manage ship-generated waste.
 - c. Experience in collaboration with stakeholders as defined in section 2.3, including carrying out stakeholder consultations/audits in EU or international maritime projects involving Member States and the referred stakeholders.

B. Technical and Professional Capacity of the Project Team

The tenderer shall propose a project team composed of **at least three (3)** members responsible for the implementation of the Contract. The team shall meet the following requirements:

1. Experience requirements

Team members shall have **at least three (3) years of experience** in the areas listed in section 14.5.1.A.2.

Additionally:

- **Project manager**

The team shall include a project manager with a **minimum of three (3) years of professional experience** related to managing projects in the shipping sector and on environmental topics, and demonstrated experience in managing complex, multidisciplinary studies.

- The proposed team shall also include at least one member with **technical expertise in database and data analysis capabilities**: experience in working with large/complex datasets, including systematic data extraction, validation and harmonisation, and experience in assessing data completeness and reliability, identifying inconsistencies or anomalies, and applying recognised analytical methods to derive meaningful and robust insights from database information.

2. Educational background

- All team members shall have a university degree of at least 3 years.

3. Language proficiency

- **at least C1 level** (CEFR) in English for the project manager.
- **at least B2 level** (CEFR) in English for all other team members.

Changes to the project team:

Any replacement or addition of experts during the contract shall be formally requested to EMSA by the contractor's legal representative. No amendment to the contract is required; however, **EMSA's prior written approval is mandatory**. Replacement experts must have an equivalent profile to those originally proposed. The change becomes effective on the date of EMSA's email approval by the responsible Project Officer.

14.5.2 Evidence

The tenderer shall provide within their bid:

As evidence for Section 14.5.1.A:

1. Evidence that demonstrates that the tenderer has an arrangement with one or more shipping companies, to gain access to the operations of ships, and with port authorities/waste contractors, to have access to information, as requested in section 14.5.1.A.1.
2. A list of projects conducted by the tenderer, meeting the selection criteria laid down in section 14.5.1 A.2. This shall include the name of the project, the dates of the project, the customer/client, where it was conducted, the scope of work and the company's involvement in the project.

As evidence for Section 14.5.1.B.:

1. The tenderer shall submit a duly completed Appendix I – Selection criteria Technical and Professional Capacity of the Project Team.
2. In addition, the tenderer shall submitted detailed curriculum vitae¹⁶ of each member of the team. The CVs shall be in EuroPass or equivalent format. The following information shall be included as a minimum:
 - a. Level of English language;
 - b. Educational background (including degrees and diplomas);
 - c. Working experience (years) in the areas described in 14.5.1.B, including references to previous projects and research work.

15. Evidence on Declaration of Honour (DoH)

At any time during the procurement procedure¹⁷, EMSA may request the documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion (the documentary evidence), namely:

- For the exclusion situations described in points (1) (a), (c), (d), (f), (g) and (h) of the Declaration of Honour, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the tenderer showing that those requirements are satisfied.
- For the exclusion situations described in (1) (a) and (b) of the Declaration of Honour, production of recent certificates issued by the competent authorities of the country of establishment is required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

EMSA may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

All tenderers are invited to prepare in advance the documentary evidence, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer(s) proposed by the Evaluation Committee for the award of the contract will be requested to provide such evidence. This requirement applies to each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on.

¹⁶ Curricula Vitae should be presented, preferably, in accordance with the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, p. 66. a).

¹⁷ The obligation to provide the supporting evidence is waived in the following situations:

- if the same documents have already been provided in a previous award procedure of EMSA, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date.
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.
- if there is a material impossibility to provide such evidence.

If the tenderer does not provide valid documentary evidence within the deadlines set by EMSA, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

The tenderer, each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on, must not be subject to professional conflicting interests which may negatively affect the contract performance.

16. Award criteria

The contract will be awarded to the tenderer who submits the most economically advantageous tender (the one with highest score) based on the following quality criteria and their associated weightings:

1. Quality criterion 1 ($W_1 = 50 \%$) Quality of the project planning and methodology.

This criterion will be evaluated on the basis of a clear and concise proposal on how the tenderer will carry out and deliver Tasks 1 to 5.

The tenderer shall as minimum detail:

- the approach, procedures, and working arrangements to carry out and deliver the tasks specified under Section 2.2,
- the methodology to be used to fulfil the requirements under Section 2.3,
- the proposed data-collection/collation and analysis.

2. Quality criterion 2 ($W_2 = 20 \%$) - Quality of the proposed team, resources allocated, team organisation, and quality management standards.

The tenderer shall as minimum detail:

- The team structure, including defined roles and responsibilities, with a breakdown of the tasks and responsibilities within the team.
- How the work will be organised to ensure compliance with the project's tight timeline of tasks and deliverables, including a demonstrably realistic allocation of staff resources in relation to the expected workload.
- The project management, including a project work breakdown structure, and quality management standards, including any certification if available.

and the price criterion and associated weighting:

3. Price of the tender ($W_{Price} = 30\%$) Prices quoted for this study shall be all inclusive as per section 13 of these Tender Specifications.

For all tenders, evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion i is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

$$PP = \sum_i \frac{\text{lowest } Price_i \text{ of all bids}}{Price_i} * 100 * W_{Price_i}$$

Only tenders that have reached a minimum of 60 % for Q_1 , a minimum of 60 % for Q_2 , etc. will be taken into consideration when calculating the score for quality SQ , score for price SP and score S .

Only tenders that have reached a minimum of 60 % for the score S will be taken into consideration for awarding the contract.

17. Evaluation and award

The evaluation of the tenders that comply with the conditions as per Invitation to tender will consist of the following elements:

- Check if the tenderer - including each member of the group in case of joint tender, any subcontractors (including those which do not need to be identified in the tender), and any other entities (not subcontractors) on whose capacity the tenderer is being relied on - is not subject to EU restrictive measures and has access to procurement;
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Verification of the absence of professional conflicting interests;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

EMSA will evaluate the above-mentioned elements in the order that it considers to be the most appropriate. The successful tenderer(s) must pass all the above-listed elements to be awarded the contract.

18. Rejection from the procedure

Contracts will not be awarded to tenderers who, during the procurement procedure, are in one of the following situations:

- A. are in an exclusion situation;
- B. have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;

- C. were previously involved in the preparation of procurement documents used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition that cannot be remedied otherwise.

19. Intellectual Property Right (IPR)

Please consult the contract for IPR related clauses.

In the tender, all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.